

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

LISA BEAM STEPHENS and
PAMELA BEAM DRAKE,
Wrongful Death Beneficiaries of
Truman Edward Beam

PLAINTIFFS

v.

CIVIL ACTION NO.: 1:13-cv-00244-GHD-DAS

PROGRESSIVE GULF INSURANCE COMPANY

GARNISHEE

v.

HOLCOMB LOGGING, LLC; DARRYL HOLCOMB;
JAMES HOLCOMB; and IC TRUCKING

DEFENDANTS

**ORDER GRANTING IN PART, DENYING IN PART, AND HOLDING IN ABEYANCE
IN PART GARNISHEE'S MOTION FOR SUMMARY JUDGMENT; DENYING
PLAINTIFFS' MOTION TO STAY CONSIDERATION OF GARNISHEE'S MOTION
FOR SUMMARY JUDGMENT**

Pursuant to an opinion issued this day, it is hereby ORDERED that:

- (1) Garnishee's motion for summary judgment [72] is GRANTED IN PART, insofar as the judgment of the Circuit Court of Itawamba County, Mississippi is void as to Defendants Darryl Holcomb, James Holcomb, and IC Trucking;
- (2) The claims against Defendants Darryl Holcomb, James Holcomb, and IC Trucking are hereby DISMISSED, and the same are DISMISSED AS PARTIES to the action;
- (3) Garnishee's motion for summary judgment [72] is DENIED IN PART, insofar as the judgment of the Circuit Court of Itawamba County, Mississippi as to Defendant Holcomb Logging, LLC is valid and entitled to full faith and credit;

- (4) Garnishee's motion for summary judgment [72] is HELD IN ABEYANCE with respect to the other issues raised concerning insurance coverage until such time as the parties have fully briefed the issue of whether the subject insurance policy provides liability coverage for Holcomb Logging, LLC for the subject incident; and
- (5) Plaintiffs' motion to stay consideration [113] of Garnishee's motion for summary judgment [72] is not well taken and is thus DENIED.

The Court hereby gives the parties an opportunity to submit briefing solely relating to the issue of whether the subject insurance policy provides liability coverage for Holcomb Logging, LLC for the subject incident. Garnishee and Defendant Holcomb Logging, LLC may submit any such briefing within twenty (20) days of the date of this memorandum opinion and order. Plaintiffs may submit any responsive briefing within ten (10) days of Garnishee's and/or Defendant Holcomb Logging, LLC's submission.

SO ORDERED, this, the 17th day of April, 2015.



SENIOR U.S. DISTRICT JUDGE